

# Legal Services Report:

Review of Legal Services

2020 - 2021

August 2021

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Equality Commission

FOR NORTHERN IRELAND

# EQUALITY COMMISSION FOR NORTHERN IRELAND

## Review of Legal Services 2020-2021

### Introduction

This is a report of the work undertaken in the last business year to provide advice and guidance to individuals who believe they have been subjected to discriminatory treatment; to consider applications for assistance with legal cases; to provide legal representation in strategic cases; and to report on the outcomes of casework. As with all areas of the Commission's work, our legal services work was impacted significantly by the Covid pandemic.

### Advisory Service

The Commission provides an information and guidance service for members of the public who believe that they have been discriminated against. For many individuals this is their main point of contact with the Commission. In the year from **1 April 2020 to 31 March 2021** the Discrimination Advice Officers (DAOs) dealt with **2,962** enquiries. This is down considerably from 2019-20 during which there were 3,922 queries. This is largely accounted for by the impact of the Covid pandemic. While the Helpline was able to operate remotely almost immediately during the first lockdown, the number of calls about discrimination dropped dramatically in April and May of 2020, as the impact of Covid was felt. The number of calls then picked up gradually, particularly in the area of employment. Further information on the impact of the pandemic on the work of Legal Services is set out below.

Of the enquiries received during this year:

- 49.5% were about disability discrimination, including SENDO
- 26.9% were about sex discrimination
- 8.3% were about racial discrimination
- 7.6% were about religious/political discrimination
- 6.2% were about age discrimination
- 1.5% were about sexual orientation discrimination.

The percentage breakdown of enquiries, relative to each other, has remained consistent over the past five years. Disability remains the largest area of complaint by quite some margin.

Enquirers to the Helpline receive advice on rights and remedies, jurisdiction (Tribunal or County Court usually), time limits, lodgement of

proceedings, information resolutions and ECNI assistance with litigation. Information and materials on the Commission's website support this service. The Discrimination Advice Officers signpost enquirers to the website and to other potential sources of help and assistance. The service aims to empower individuals to resolve discrimination problems in relation to employment and in the provision of goods, facilities and service at an early stage, by providing authoritative information. A small proportion of those who seek advice do not resolve the issue to their satisfaction and a number return to the Commission to apply for assistance with a legal case.

### **Impact of Covid 19**

Almost 700 of the calls to the helpline in the 2020-21 business year were Covid related (23.6%). The majority of Covid related enquiries concerned disability discrimination (57.7%) and, of these, roughly one third related to access to goods, facilities and services and two thirds related to employment. The most common employment enquiries were about reasonable adjustments around issues such as working from home, access to the furlough scheme, working conditions for key workers and those classified as clinically vulnerable. Enquiries about access to goods, facilities and services included a large number about mandatory face coverings in various settings, including shops, health care providers and transport.

After disability, sex discrimination enquiries made up the next largest group of Covid related enquiries (29.8%). The vast majority of these were employment related (96.8%) and most of these were about either pregnancy/maternity or work life balance/family status. Pregnancy/maternity enquiries were generally around the health and safety of pregnant employees and risk assessments or the impact of Covid measures, such as furlough, on maternity pay and leave. Work life balance/family status enquiries included many about childcare issues, for example for key workers where schools and childcare providers were closed, or where those with young or disabled children were working from home and no account was taken by employers of the obvious difficulties presented by this.

Most callers sought advice on their rights with the view of resolving the issue informally with the employer or service provider. 49 enquirers subsequently applied to the Commission for assistance with a legal case. Ten of these related to the wearing of face masks, 6 in shops and others in hotel/restaurant, train, delivery depot and doctor's surgery. Legal Funding Committees have so far considered 8 of the masks cases but concluded that none of the cases, on their particular facts, offered

potential for the Commission to raise awareness, change discriminatory practices, or provide for follow up and that the cost of assistance for legal proceedings was not commensurate with the benefit to be gained by the Commission.

Four cases with a Covid element were assisted by the Commission during 2020-21. Two of these cases are in the field of education and related to the alleged discriminatory impacts of predicted grades on disabled 'A' Level students. Civil bills were issued in the county court and the matters are on-going. A further case relating to the delivery of shopping to a disabled customer who was 'shielding' was assisted and settlement negotiations were underway at the end of the business year. One Covid-related case was assisted, resolved and publicised during the year. This involved the impact of 'remote' NI assembly business on a MLA who lives with partial hearing loss. A short summary is included in Appendix 1. The issue was well covered in the press.

The impact of the pandemic was particularly acute for the work of the Office of the Industrial Tribunal and Fair Employment Tribunals and also in the County Courts, with courts and tribunals being closed for a considerable period of time. No Commission assisted discrimination cases were heard or concluded in the Tribunals and courts in the period 1 April 2020 to 31 March 2021. The Tribunals have increased the number of pre-hearing reviews in cases in an effort to keep cases progressing. There have also been oral legal submissions heard in some cases and these have been conducted remotely via the WebEx platform as technology was introduced to facilitate case hearings.

### **Legal Assistance**

Applications for assistance with a legal case are decided by Legal Funding Committees, comprising three Commissioners on each occasion. Legal Funding Committees (LFC) met on 22 scheduled occasions.

The LFCs considered 191 **new applications** for assistance, which was down considerably from the 337 applications considered in 2019-20 year. In part this was due to a much reduced volume of applications at the start of the first lockdown and also due to delays within the Tribunal system in registering and logging complaints and response forms.

Applications are brought to LFC for consideration after responses have been received, thus enabling a comprehensive view of the strategic potential of the case. All applications for assistance were considered in line with the Commission's *Policy for the Provision of Legal Advice and*

*Assistance.* Applicants were advised at the outset that not all cases would be assisted. The assistance rate for new applications this year was **24.1% assisted** (46 cases out of 191 applications) which was a similar rate to last year (**21.4% assisted**, 72 cases out of 337 applications), albeit a smaller number of cases. The largest number of new applications was granted in the area of disability discrimination, followed by sex, religion/politics, race, age and sexual orientation. This was generally reflective of the pattern of enquiries to the Helpline.

Assisted cases are routinely **reviewed** to determine whether assistance should be continued or withdrawn. 71 cases that had been granted assistance (including some in the previous year) were reviewed in 2020-21. Cases may be reviewed by LFC more than once during the lifetime of a case. Unless withdrawn by the Applicant, all cases will be reviewed by a LFC when sufficient evidence has been gathered to enable Counsel to assess whether or not the case has 'reasonable prospects' of success. All claimants are advised of the strengths and weaknesses in their cases. 66 of the cases reviewed (93%) were granted further assistance and 5 cases had assistance withdrawn by the Commission, following receipt of Counsel's opinion in which Counsel could not indicate that there were reasonable prospects of success, or claimants themselves decided to withdraw.

Applicants who had been refused assistance initially may request to have the decision **re-considered** by LFC. A decision not to grant assistance can be overturned if the claimant can show a 'material change in circumstances' that warrants a review. During this year, 11 applicants requested a re-consideration but none of the cases re-examined had the original decision overturned. None of the applicants could show a material change of circumstances, either with regard to strategic considerations or the merits of the case that warranted overturning the original decision.

### **Settlements for assisted complainants**

In 2020-21, cases on behalf of **25** individuals were concluded by way of negotiated /conciliated settlement. Settlement terms were agreed in writing between the parties and the implementation of terms concluded proceedings. During this business year, £210,000 was recovered by way of compensation. This compares to 30 cases recouping £264,280 in the 2019-20 year. Settlements negotiated this year secured agreements employers and service providers to:

- commit to equality principles;
- undertake to liaise with the Commission to review policies, practices and procedures;
- provide training for staff and management;
- provide references;
- provide reasonable adjustments (in disability cases).

**Appendix 1** sets out short summaries of cases that settled during the year

Subject to requirements of GDPR, further details of each of the settled cases will be placed on the Commission's website to demonstrate the application of anti-discrimination law and to assist in fulfilling the Commission's statutory functions. They are intended to be used in education and training by Commission staff and others, as well as a reference point for individuals who feel they may have been the victims of discrimination.

The Commission's Advice and Compliance staff provide follow up on all settlements where a liaison clause has been agreed. They will meet, or have met, with the employers and service providers; provide information, guidance and 'model' policies; and discuss how the organisation or business can ensure 'best practice' and avoid discrimination claims in the future.

The combination of litigation and post litigation action by the Commission ensures that the support for individuals meets the Commission's aims by:

- raising public awareness regarding individual complaints and about the protection afforded by the law;
- having a significant impact either in terms of bringing about changes in discriminatory practices and procedures or otherwise;
- having potential for follow-up by the Commission in discharging its statutory functions.

## **Decisions**

No decisions in Commission assisted discrimination cases were issued by Tribunals or courts in the year 2020-21 and no full hearings were conducted during that period.

At the year-end - 31 March 2021 - decisions were awaited in two cases which were previously heard.

In the case of *Natasha McNicholl -v- Bank of Ireland and F* originally heard and determined in the applicant's favour in 2019, a direction of the Court of Appeal remitting the case to the Tribunal for determination solely on the issue of whether the sexual harassment case should be anonymised on publication, was considered by the Tribunal. Further legal submissions were considered (remotely) by the Tribunal. The decision has since issued (July 2021); the Tribunal decided to name the claimant and the first Respondent.

A further sex discrimination case, also involving claims of sexual harassment, was heard in Tribunal in March 2019 with a further day added in May 2019 to conclude the hearing. The Tribunal then ordered another case management discussion for the legal representatives to address the Tribunal on time limit issues. This was conducted (remotely) in June 2021. The judgement remains outstanding. This case is currently anonymised.

## **Review of Policy for the Provision of Legal Advice and Assistance Policy**

Following consideration by Commissioners, a revised Policy for the Provision of Legal Advice and Assistance for individuals was approved and is currently out for public consultation. This is due to close on 18 September 2021 after which any submissions will be reviewed and a new policy finalised for Commissioners' consideration.

## **Performance Measures and Trends**

The Commission is currently assisting 72 ongoing cases of discrimination. During the business year, the Commission's assistance and representation in 35 cases was concluded. During this business year four cases which were granted assistance, as they raised issues of strategic interest to the Commission, were withdrawn by the applicants at an early stage. A further six cases which had been granted assistance in the previous business year had Commission assistance discontinued on the basis that Counsel concluded that each of these cases had little prospects of success, following review of all of the information garnered

throughout the interlocutory process while the Commission was the legal representative of each of the claimants. The process of reviewing cases regularly throughout the legal process, is a cost effective way of ensuring that cases are continued in circumstances where the particular facts of the case are such that the strategic interest is likely to be profited with a successful outcome. The remaining 25 cases were concluded by way of conciliated/negotiated settlement, as noted.

The trends in enquiries to the Helpline show that disability discrimination accounted for almost half of all enquiries, with sex discrimination making up just over a further quarter. Sexual orientation discrimination enquiries remain small in number and this year was 1.5% of all enquiries. The remaining 22% of cases were made up of enquiries about racial discrimination, religious/ political discrimination and age discrimination. The dominance of disability and sex discrimination cases enquiries has been a feature of the enquiry line for the past five years.

Of the cases *currently* assisted and on-going (as at 4 August 2021) the Commission is assisting 72 cases on behalf of 69 people. Three people have issued two sets of proceedings arising out of their treatment. Many of the cases are 'hybrid cases' where an individual claimant has issued discrimination proceedings more than one ground. There are 97 separate heads of proceedings of which 51 are disability related (including Special Educational Needs and Disability); 23 are (including two transgender claims) are sex discrimination claims; 11 are race claims; 6 religion and politics and 6 age discrimination claims. At date of writing there are no on-going sexual orientation cases.

Customer feedback in casework is currently obtained via a questionnaire forwarded to all assisted claimants when their case is closed i.e. either concluded by way of settlement / decision, or discontinued. Return rates for the survey are very low with only three claimants of concluded cases completing the survey this year. All of those who completed the survey indicated that they were satisfied with the service. With regard to the advice helpline, customers are asked to call back to inform us of the outcome, but most do not. The last independent surveys of customer satisfaction for Legal Services were carried out over 5 years ago. Consideration is being given to cost effective ways obtain better customer feedback, to improve the volume of feedback and overcome the limitations of a self-selecting survey.



## Conclusion

The Commission is working to develop its data collection systems to ensure that we can effectively demonstrate and track outcomes from casework; that rights are enforced in practice; and the overall impact of strategic litigation in challenging and eliminating discrimination is maximized.

## APPENDIX 1 - Assisted cases that settled 2020 - 2021

### Disability (Employment)

**£15,000** compensation in settlement of a disability discrimination case taken by an employee who was seeking to return to work following stroke and who was refused in spite of being supported in this by his GP and OHS. In settling the case the Respondent agreed to provide a reference to the Claimant. The Respondent affirmed its commitment to equality of opportunity in employment and to ensuring that its policies, practices and procedures comply in all respects with the relevant legislation and Codes of Practice. The Respondent agreed to liaise with the Equality Commission to review its equal opportunities policies, practices and procedures to ensure that they are effective and conform with all the requirements of equality legislation and, in particular, those under the Disability Discrimination Act 1995, as amended.

**£4,000** compensation in settlement of a disability discrimination case taken by an employee with sick absence following treatment for breast cancer. Her annual leave 'carry over' entitlement was reduced from 29 days to 16.5 days. She alleged a failure to make reasonable adjustments for a disability. She no longer works for the respondents. In settling the case, without an admission of liability, the respondent undertook to liaise with the Commission to review their policies, practices and procedures relating to annual leave carryover provisions.

**£25,000** compensation in settlement, of a disability discrimination case taken by an employee who was a digital banking advisor and who had a neurological disorder causing headaches and seizures. Following a period of sick absence she alleged her attempts to return to work were blocked by the failure of her employer to consider reasonable adjustments and that there were unreasonable delays following OHS assessments. The case was settled when the claimant's employment was terminated by mutual agreement. The Respondent disputed liability and settled on a commercial basis indicating that it remained committed to equality of opportunity. The Respondent agreed to liaise with the Commission to review its equality opportunities and disability policies, practices and procedures, as are applicable within NI to ensure they are effective and conform to the requirements of legislation.

**£6,500** settlement of a disability discrimination case for a women with ulcerative colitis who was prevented from accessing the nearest accessible toilet to her work

station because the cleaners were using it as a store. The matter was reported by her to management and a reasonable adjustment requested in December 2018 but action was not taken until November 2019. This caused her considerable distress and humiliation, as quick access to a toilet facility was crucial due to her disability. Ultimately her team was moved to a different floor in the building where she was able to access the toilet facility without impediment. In settling her case without admission of liability the defendant confirmed its commitment to equality of opportunity, agreed to liaise with the Commission and to review its practices. It also expressed a statement of regret and supplied a floor plan outlining a commitment to ensure an accessible toilet close to her work station in the future.

### **Disability (Goods, Facilities and Services (GFS))**

**£2,759** compensation in settlement of a disability discrimination claim in the provision of services, taken by a young adult who lives with autism. Due to the actions of security services personnel at the airport, claimant was unable to access assistance at Belfast International airport, for a flight between Belfast and London, even though she had been issued a boarding pass marked 'intellectual or development disability needing assistance'. In settling the matter without admission of liability, the defendant company who had the airport security contract at the relevant time, affirmed its commitment to the principle of equality of opportunity and agreed to continue to ensure that it conforms to all relevant equality legislation and Codes of Practice in NI.

**Non-financial settlement**, prior to the issue of legal proceedings for disability discrimination. The Commission assisted this MLA who has partial hearing loss, in liaising with the Northern Ireland Assembly in respect of adjustments to their procedures for remote business, during the Covid-19 pandemic and for the future. Adjustments for people with hearing loss include - the availability of suitable remote video audio technology across various committee hearing rooms; the arrangement of such hearings so that the needs of a deaf person participating can be accommodated; and the development of guidance for members and other participants so that a deaf person can follow proceedings.

**£1,500** compensation in settlement of a disability discrimination case taken by a wheelchair user who requires care assistance and who was refused the benefits of her CEA card - which provides for free entry for carers - by Newtownards cinema. They refused to allow her to use the card within the first two weeks of a new release. The settlement was subject to approval by the court and was approved. In settling the case the Respondent acknowledged the hurt, distress and upset suffered by the Plaintiff in relation to the handling of her complaint. In addition the company agreed to implement the CEA scheme across all of their cinemas in Northern Ireland within 6 weeks of each cinema opening. It affirmed their commitment to the principles of equality of opportunity and to ensuring that the policies, practices and procedures of their company comply in all respects with the relevant legislation and undertake to ensure that staff are aware of these obligations. In this regard, since the bringing of these proceedings, the company plans to introduce new policies, practices and

procedures and to provide staff with training. They agreed to liaise with the Commission in respect of access to its services for disabled customers and to implement any reasonable recommendations made by the Commission.

**£20,000** compensation in settlement of a disability discrimination case in education brought by a midwifery student who lives with cystic fibrosis. She was hospitalized during the academic year 2018-19 due to her disability and agreed to withdraw from the course for the remainder of that year. Uncertainties around arrangements for the 2019-20 year led to her withdrawing completely from the course. The claimant alleged that the respondent failed to make reasonable adjustments to allow her to complete her course. In settling the case, without an admission of liability, the Respondent apologised for injury to feelings and distress caused to the claimant; confirmed its commitment to equality of opportunity; and agreed to liaise with the Commission to review its policies practices and procedures to ensure they are effective, particularly in regard to the SENDO legislation.

**£4,000** settlement of a disability discrimination claim taken by a mother on behalf of her 7 year old child who is disabled as a result of severe food allergies. The child was denied a place on a summer scheme. Having attended the scheme with his mother during the previous summer and then re-applied, his mother alleged that the Council had sufficient time to make reasonable adjustments to allow her child to participate in the summer scheme, but that they failed to do so. In settling the case the Defendant agreed to pay the child the sum of £4000 without admission of liability. The settlement figure was approved by the Court. The Defendant affirmed its commitment to the principle of equality of opportunity and to continue to ensure that it conforms to all relevant equality legislation applicable in Northern Ireland and in particular the Disability Discrimination Act 1995.

**£7,500** settlement of a disability discrimination claim taken on behalf of a 10 year old autistic boy who was traveling with his parents on holiday. Special assistance had been pre-booked at the airport. At security, the boy was required to go through the body scanner and be taken aside and searched despite his parents objections and explanation concerning his disability. He could not bear to be touched. The distress was so severe that the child refused to leave his hotel for the duration of the holiday. The settlement of this legal action on behalf of a minor was approved by a county court judge and the compensation was invested on the child's behalf.

**£4,250** settlement of a disability discrimination claim following the failure of a GP practise to provide sign language interpretation for a profoundly deaf woman when she attended her local surgery. Instead the GP used a family member, her daughter to communicate between himself and her mother. The patient, who had been suffering from a cancer related illness, subsequently died in January 2019. In settling the case without admission of liability, the Defendant agreed to use the services of sign language interpreters in future when dealing with deaf patients and to advertise this facility clearly within the surgery.

**£3,000** settlement of a disability discrimination claim taken by a disabled woman who lives with Ehlers Danlos Syndrome. She alleged that as she was passing through security at Belfast international airport the security staff did not make reasonable adjustments to meet her needs as a disabled person. In settling the case the

Defendant agreed to pay the Applicant £3000. The sum was paid without admission of liability. The Defendant affirmed their commitment to the principle of equality of opportunity and affirmed its commitment to ensuring that its policies, practices and procedures comply in all respects with its obligations under current national and European Equality law. The Defendant undertook to liaise with the Equality Commission to review its policies, practices and procedures to ensure that they are effective and conform with the requirements of the Disability Discrimination Act 1995.

**£1,250** settlement of a disability case for a profoundly deaf woman applying for a mortgage. The mortgage company declined to provide a BSL interpreter by way of reasonable adjustment. This meant that she was unable to provide the relevant information for the purposes of assessment. In settling the case the Defendant, without admission of liability, confirmed its commitment to equality of opportunity and agreed to review its practices.

### **Sex discrimination (Employment)**

**£75,000** compensation in settlement of two sex discrimination victimisation cases taken by an employee, who was a long serving Human Resources and training manager with the company. She complained, by way of an internal grievance procedure, of sexual harassment by a man who worked for the Respondent. She also made a complaint of sexual assault to the police. The man left the company following these complaints. The sex discrimination cases arise from her allegations that she was subsequently victimized through inappropriate comments, being isolated in the workplace, excluded from meetings and being denied equal pay with male colleagues. The cases were settled when the claimant's employment was terminated by mutual agreement. The respondent confirmed its commitment to equality of opportunity and agreed to liaise with the Commission to review its practices, policies and procedures to ensure that they conform to all relevant sex discrimination legislation. The respondent will implement recommendations the Commission may make including equality awareness training for staff.

**£6,000** settlement of a sex discrimination case taken by a college lecturer who was refused flexible working after the birth of her third child. She had been able to avail of flexible working previously, but on the third occasion the respondent refused, due to the business needs pertaining at that time. The claimant resigned her post to look after her children. Part of her claim related to the option of homeworking which was not standard practice at the time her request was considered, but became so in the context of the Covid 19 pandemic. In settling the case, without an admission of liability, the Respondent confirmed its commitment to equality of opportunity; and agreed to liaise with the Commission to review its policies practices and procedures to ensure they are effective, particularly in regard to sex discrimination legislation.

**£7,000** settlement of a sex discrimination, harassment and redundancy complaint by the Claimant who was employed as a sales assistant. She alleged that she was subjected to offensive sexist language about female staff and customers by the Respondent. Her complaint to the manager did not change matters. She was then made redundant. She alleged that she was belittled and humiliated, by the climate of

fear and bullying in the workplace. In settling the case, the Respondent apologized to the Applicant for the hurt, distress and upset suffered by her as a result of their treatment of her.

### **Race discrimination (Goods, Facilities and Services (GFS))**

**£3,500** compensation in settlement of an allegation of race discrimination in service provision, when a black Nigerian woman alleged she was wrongly accused of shoplifting in a Belfast store. This case was settled by the company prior to the issuing of proceedings in the county court. The Defendant agreed to pay the Plaintiff the sum of £3,500 and apologised for any distress suffered. In settling the case with no admission of liability, the Defendant denied that the actions of its staff were influenced by the Plaintiff's race. The Defendant asserted that its staff had approached the Plaintiff legitimately and in a neutral manner, which she interpreted as accusatory. The Defendant reiterated its firm commitment to the principle of equal treatment and to ensuring that its policies and practices comply with relevant law and codes of practice. The store in question undertook to liaise with the Equality Commission to review the effectiveness of its policies and practices.

**£5,000** compensation in a race discrimination case taken by two Irish Traveller men (£2.5k each) who were refused service in a bar. They had mobile phone video footage of the barmaid refusing service to 'you people'. The case settled without further terms.

**£1,250** settlement of a race discrimination claim taken by an Irish Traveller man who was refused service in a bar he had not previously visited. He was told by a member of the bar staff that she could not serve him. The Applicant asked what was happening and the staff member replied "We are not allowed to serve any of yous." In settling the case the Defendant affirmed their commitment to the principle of equality in relation to the provision of goods, facilities and services and to ensure that its policies, procedures and practices comply in all respects with the provisions of the Race Relations Order (NI) 1997. The Defendant undertook to liaise with the Equality Commission to review their equal opportunities policies, practices and procedures to ensure that they are effective and conform with the requirements of the Race equality legislation.

### **Religion/politics (Employment)**

**£12,000** compensation, without an admission of liability, in settlement of a sectarian harassment case taken by a Catholic man employed as a plasterer, who alleged significant harassment throughout his employment, first as an agency worker and subsequently as a directly contracted employee. In settling the case, the Respondent regretted any perceived distress and upset suffered by the Claimant arising from the circumstances which gave rise to these proceedings. The Respondent reaffirmed its commitment to the principle of equality of opportunity in employment and to ensuring that its policies, procedures and practices comply in all respects with its obligations

under the relevant law and codes of practice and guidance in Northern Ireland. The Respondent undertook to liaise with the Commission to review the Respondent's policies, practices and procedures and the application of these relating to harassment within the workplace to ensure that they are effective and conform to the requirements of the Fair Employment & Treatment (NI) Order 1998. The Respondent agreed to implement any reasonable recommendations the Commission may make, including any regarding the training of management and/or staff.

**£3,000** compensation in settlement of a sectarian harassment case brought by a Catholic lorry driver who was called an abusive sectarian name by a colleague, in a voice message that was left on his mobile phone. The claimant alleged that the company failed to properly investigate his complaint. In settling the case, without an admission of liability, the Respondent expressed regret for injury to feelings and distress caused to the claimant; confirmed its commitment to equality of opportunity; and agreed to liaise with the Commission to review its policies practices and procedures to ensure they are effective, particularly in regard to Fair Employment legislation.

### **Sexual orientation (Employment)**

**£2,000** settlement of a sexual orientation discrimination case for a gay male employed as a team secretary who complained that his manager refused to allow him to place posters in the office advertising a Gay pride event in the summer of 2019. This was despite encouragement from the Trust at the time that employees should actively promote the event where possible and the posters in question were from the employer's own website. In settling the case without admission of liability, the defendant confirmed its commitment to equality of opportunity, agreed to liaise with the commission and to review its practices and procedures.

### **Hybrid cases (Employment)**

£7,500 compensation in settlement of a race and sexual orientation discrimination claim, taken by an employee who is a gay man, a Belgian national and of Muslim and Arabic background. He complained of harassment when obscene graffiti appeared in the storeroom where he worked. Following a dispute with a colleague, he left his employment. In settling the matter, the Respondents reaffirmed their commitment to equality of opportunity and undertook to liaise with the Commission to ensure that their policies, practices and procedures conform to obligations under legislation.



Equality Commission for Northern Ireland  
7-9 Shaftesbury Square  
Belfast BT7 2DP  
[www.equalityni.org](http://www.equalityni.org)  
Tel: 028 90500600  
Email: [information@equalityni.org](mailto:information@equalityni.org)